

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin & Southern Railroad Co. for the Alteration of a Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with CTH 'M' in the Town of Utica, Winnebago County

9170-RX-180

FINAL DECISION

On June 25, 2004, the Wisconsin & Southern Railroad Co. (WSOR) petitioned the Office of the Commissioner of Railroads (OCR) for the alteration of a public crossing of CTH 'M' with its tracks located in the Town of Utica, Winnebago County. (crossing no. 387 472S / MP 176.05).

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on July 23, 2004 in Madison, Wisconsin with hearing examiner Douglas S. Wood presiding.

On July 30, 2004, the hearing examiner issued a proposed decision. The OCR received no comments on the proposed decision. The Commissioner adopts the proposed decision as final without change.

Appearances:

Parties

Wisconsin & Southern Railroad Company, Petitioner
by
Bernard M. Meighan, Superintendent of Maintenance
1890 E Johnson Street
Madison, WI 53704

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin & Southern Railroad Co. proposes to alter the public crossing of CTH 'M' with its tracks located in the Town of Utica, Winnebago County. The WSOR proposes to reinstall a siding track at this crossing.

CTH 'M' is about 22' wide with 3'-wide gravel shoulders and intersects the track at an angle of about 40°. The crossing consists of one mainline track. The WSOR proposes to extend a siding through the roadway. An existing siding, approximately 1100' in length, ends about 300' west of the crossing. The WSOR proposes to extend this siding by about 1300' to serve a new industry. The siding will be 16' south of the main track (between track centers).

CTH 'M' carried 650 ADT (average daily traffic) in 2000. The speed limit is 55 mph.

The railroad currently operates 6 through train movements per week over the crossing location at a speed of 25 mph. The number of through trains will not change at this location. The railroad expects to serve the new industry about twice per month. When the industry is served the railroad will cut cars out on the main track and make multiple deliveries. Consequently, when the industry is served there will be multiple switching moves over the crossing. The railroad anticipates industry demand for about 4000 rail cars per year.

A driver traveling at 55 mph needs a distance of 527' to stop safely. The crossing is visible from more than 527' in each direction. Assuming a train speed of 25 mph, a driver traveling at 55 mph needs to see a train when it is about 260' from the crossing from a point 527' down the highway. Sight distance is inadequate in the southeast quadrant due to a building and the northeast quadrant due to trees.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the CTH 'M' crossing is 560'. The available clearing sight distance will be more than 560', except when cars are on the siding.

The exposure factor at this crossing is about 1300 on days when only through trains use the crossing. On days when switching occurs the exposure factor will be substantially higher. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

Two train-vehicle accidents have occurred at this crossing since 1973. The accidents occurred in 1983 and 1986. Automatic flashing lights were installed in 1993.

The crossing presently has 12" incandescent automatic flashing lights and advance warning signs for warning devices. These warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety, 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the limited corner sight distance, the limited clearing sight distance and the possibility that a train could be operating on the main track while cars are sitting on the siding.

In summary, the alteration of the crossing at-grade of the Wisconsin & Southern Railroad Co. tracks with CTH 'M' will promote public safety and convenience.

Source of funding: The Wisconsin & Southern Railroad Co. shall pay all costs for the alteration of the crossing and the upgrade of the warning devices.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the alteration of the crossing at-grade of CTH 'M' with the Wisconsin & Southern Railroad Co. tracks in accordance with the design plans of the Wisconsin & Southern Railroad Co. in the Town of Utica, Winnebago County will promote public safety and convenience.
2. That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates.
3. That it is reasonable that the Wisconsin & Southern Railroad Co. bear 100% of the cost for the crossing construction and signal installation.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin & Southern Railroad Co.** shall install and maintain a crossing at-grade of CTH 'M' with its tracks in accordance with the design plans of the Wisconsin & Southern Railroad Co. in the Town of Utica, Winnebago County. (Crossing No. 387 472S / MP 176.05)
2. That the **Wisconsin & Southern Railroad Co.** shall install and maintain 12" LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with CTH 'M' at-grade in the Town of Utica, Winnebago County **before commencing operations on the siding across the roadway.** The Wisconsin & Southern Railroad Co. may re-use signal materials from the existing signals.

3. That the **Wisconsin & Southern Railroad Co.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans of its proposed installation.

4. That the **Wisconsin & Southern Railroad Co.** shall coordinate this work with the Winnebago County Highway Department in order that a detour route may be provided.

5. That the **Wisconsin & Southern Railroad Co.** shall bear 100% of the cost of the crossing construction and signal materials and labor and any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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